

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

ARCH SPECIALTY INSURANCE COMPANY,

Plaintiff,

– against –

KELTIC KROSS, INC.,

Defendant.

MEMORANDUM & ORDER

24-cv-03520 (NCM) (LB)

NATASHA C. MERLE, United States District Judge:

This Court has received the Report and Recommendation (“R&R”) on the instant case dated January 28, 2025, from the Honorable Lois Bloom, United States Magistrate Judge. ECF No. 12. No objections have been filed.

The Court reviews “de novo any part of the magistrate judge’s disposition that has been properly objected to.” Fed. R. Civ. P. 72(b); *see also* *Brissett v. Manhattan & Bronx Surface Transit Operating Auth.*, No. 09-cv-00874, 2011 WL 1930682, at *1 (E.D.N.Y. May 19, 2011), *aff’d*, 472 F. App’x 73 (2d Cir. 2012) (summary order). Where no timely objections have been filed, “the district court need only satisfy itself that there is no clear error on the face of the record.” *Finley v. Trans Union, Experian, Equifax*, No. 17-cv-00371, 2017 WL 4838764, at *1 (E.D.N.Y. Oct. 24, 2017) (quoting *Estate of Ellington ex rel. Ellington v. Harbrew Imports Ltd.*, 812 F. Supp. 2d 186, 189 (E.D.N.Y. 2011)).

Having reviewed the record, I find no clear error, I therefore adopt the Report and Recommendation, in its entirety, as the opinion of the Court pursuant to 28 U.S.C. § 636(b)(1).

Accordingly, plaintiff's motion for a default judgment, ECF No. 10, is **GRANTED** as to plaintiff's claim for breach of contract and **DENIED** as to plaintiff's claims for account stated and unjust enrichment. The Clerk of Court is respectfully directed to enter a judgment in favor of plaintiff and against defendant in the amount of \$157,178.00 in damages, plus (i) pre-judgment interest at a rate of \$38.76 per day, calculated from May 25, 2022, through entry of judgment; (ii) post-judgment interest at a rate pursuant to 28 U.S.C. § 1961; and (iii) \$583.42 in costs. Plaintiff's request for \$5,925.61 for New York State taxes and fees is denied.

SO ORDERED.

/s/ Natasha C. Merle
NATASHA C. MERLE
United States District Judge

Dated: February 14, 2025
Brooklyn, New York